

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|----------------------------|---|-------------------------|
| TANYA FOSTER-DEMERS |) | |
| |) | |
| Plaintiff, |) | Case No. 08 C 2461 |
| |) | |
| v. |) | |
| |) | |
| CHICAGO BOARD OF EDUCATION |) | Judge Ronald Guzman |
| |) | Magistrate Judge Ashman |
| Defendant. |) | |

**MOTION FOR LEAVE TO FILE AN
ADDITIONAL AFFIRMATIVE DEFENSE**

Defendant, Chicago Board of Education ("Board"), by and through one of its attorney, Assistant General Counsel Jennifer Y. Wu, hereby moves this Court for leave to file an additional affirmative defense. In support thereof, Defendant Board states as follows:

1. On April 30, 2008, Tanya Foster-Demers ("Plaintiff") filed a complaint against Defendant Board alleging violations of the Americans with Disabilities Act. *See* Document 1.
2. On June 30, 2008, Defendant Board filed its answer along with five affirmative defenses. *See* Document 9.
3. Defendant Board now moves this Court for leave to file an additional affirmative defense, which it inadvertently did not include with its answer on June 30, 2008.

4. Specifically, Defendant Board wishes to submit as its sixth affirmative defense that plaintiff's requested or necessary accommodation would have imposed an undue hardship on the operation of its business. *See* 29 C.F.R. § 1630.15.

5. Defendant Board does not file this motion to unduly delay the proceedings in this case.

6. Plaintiff will not be prejudiced by Defendant Board's additional affirmative defenses. No depositions have been taken in this case as of date and fact discovery does not close until December 1, 2008.

Respectfully submitted,

BOARD OF EDUCATION OF
THE CITY OF CHICAGO

By: s/Jennifer Y. Wu
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CERTIFICATE OF SERVICE

I, Jennifer Y. Wu, an attorney do hereby certify that I caused the attached **Defendant Board's Motion for Leave to File an Additional Affirmative Defense** to be served upon counsel of record *via* CM-ECF E-Filing pursuant to the General Order on Electronic Case Filing, Section XI(C), on the 29th day of July, 2008.

s/ Jennifer Y. Wu